

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**GAREY E. SEGER AND TWILA SEGER,  
Husband and Wife,**

**Plaintiffs,**

**VS.**

**TANK CONNECTION, LLC,  
ROUNDTABLE ENGINEERING  
SOLUTIONS, LLC, KIRK WELDING  
SUPPLY, INC., and BURNS &  
MCDONNELL ENGINEERING  
COMPANY, INC.,**

**Defendants.**

**8:08CV75**

## ORDER

This matter is before the court on the motion of the defendant, Kirk Welding Supply, Inc. (Kirk), for leave to serve subpoenas ([Filing No. 393](#)) upon the Social Security Administration and Nebraska Department of Health and Human Services Medicare Department. The plaintiffs filed an objection ([Filing No. 396](#)) opposing the motion.

The court's Final Progression Order in this case set the deposition deadline for April 15, 2010, with written discovery to be served "sufficiently early to allow rule time before the deposition deadline." **See** [Filing No. 314](#). The court's order of April 22, 2010 ([Filing No. 377](#)), compelled Gary Seger to provide either his Social Security Number or his Medicare Health Insurance Claim Number in answer to the Interrogatories of the defendant, Roundtable Engineering Solutions, LLC. (Roundtable) by May 5, 2010. The order made no reference to the defendant, Kirk, and did not compel production of this information to any of the other defendants. The court finds no compelling evidence from Kirk why its subpoena should be allowed out of time. Upon consideration,

Defendant Kirk's Motion for Leave to Serve Subpoenas ([Filing No. 393](#)) is denied and the plaintiffs' objection ([Filing No. 396](#)) is sustained.

**IT IS SO ORDERED.**

DATED this 7th day of June, 2010.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge